UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,348	01/30/2004	Christopher R. Dance	D/A3127	5238

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EXAMINER
RUSH, ERIC

ART UNIT	PAPER NUMBER
2609	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/767,348	DANCE ET AL.
	Examiner	Art Unit	
	Eric Rush	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08)
    Paper No(s)/Mail Date *17 May 2004*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070508

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

-        With regards to claim 18: Claim 18 is rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter.

The claimed invention appears to be directed towards a computer

program, which is not patentable eligible subject matter. Any computer

executable software code must be stored in a computer readable storage

medium to enable the underlying functionality. A structural and functional

interrelationship between the computer program and the structural

elements of the computer, which would permit its functionality to be

realized, should be included in the claim.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Camara et al. U.S. Patent No. 7,197,158.

-       With regards to claims 1 and 18 -19: Camara et al. each a method, an

        article of manufacture comprising a memory (Camara et al. Fig. 1) and an

        apparatus for automatically combining a digital image with text data,

        comprising: (Camara et al. Column 2 Lines 41 – 44, metadata reads on

        text data) (a) a receiving means configured to receive electronic data

        comprising a digital image (Camara et al. Column 3 Lines 5 – 9, Column 5

        Lines 49 - 54), (b) a classification means configured to automatically

        classify the image according to a predetermined set of categories

        (Camara et al. Column 3 Lines 38 – 42, Column 7 Lines 3 – 8, Column 7

        Line 31 – Column 8 Line 21), and (c) a selection means configured to

        automatically select text data from a repository that matches the category

        of the image according to a predetermined criterion. (Camara et al.

        Column 4 Lines 47 – 53, Column 1 Lines 32 - 66)

-       With regards to claim 2: Camara et al. teach the method according to

        claim 1, wherein the selected text data matches a predetermined recipient

profile. (Camara et al. Column 11 Lines 44 – 57, Column 12 Lines 42 – 54)

- With regards to claim 3: Camara et al. teach the method according to claim 2, wherein said selecting at (c) further comprises automatically selecting a recipient profile according to a predetermined criterion. (Camara et al. Column 11 Lines 59 – 66)

- With regards to claim 4: Camara et al. teach the method according to claim 3, wherein the predetermined criterion is the sender of the electronic data. (Camara et al. Column 11 Line 28 – Column 12 Line 21, Camara et al. disclose using metadata already present in the image file to further generate or supplement metadata Column 11 Lines 59 – 63 and this data can include author information Column 1 Lines 20 – 24 i.e. sender information)

- With regards to claim 5: Camara et al. teach the method according to claim 1, further comprising automatically combining the image and the selected text data to form a combined document. (Camara et al. Column 2 Lines 41 – 44, Column 7 Lines 3 – 7)

-     With regards to claim 6: Camara et al. teach the method according to claim 1, further comprising at least one of automatically initiating printing of the combined document and sending the combined document. (Camara et al. Fig. 3 Elements 310 and 312, Column 10 Lines 49 - 59)

-     With regards to claim 7: Camara et al. teach the method according to claim 1, wherein said receiving at (a) comprises receiving the electronic data over a network via at least one of electronic mail and a digital telephone network. (Camara et al. Column 5 Lines 9 – 45 and Column 5 Lines 49 – 59)

-     With regards to claim 8: Camara et al. teach the method according to claim 1, wherein said receiving at (a) further comprises requesting and receiving at least one of a recipient name and a recipient profile. (Camara et al. Column 6 Lines 40 – 46)

-     With regards to claim 9: Camara et al. teach the method according to claim 1, wherein said receiving at (a) further comprises testing the electronic data regarding at least one of authentication, authorization with respect to a potential recipient, and content of the image. (Camara et al. Column 7 Line 64 – Column 8 Line 15)

- With regards to claim 10: Camara et al. teach the method according to claim 1, wherein said classifying at (b) is preceded by automatically placing the electronic data on a queue or schedule for classification. (Camara et al. Fig. 3 Column 8 Lines 36 – 45 Lines 59 – 62, Column 9 Lines 6 – 9 Lines 15 – 22 and Lines 34 – 45)

- With regards to claim 11: Camara et al. teach the method according to claim 1, wherein the text data in the repository is classified according to the predetermined set of categories (Camara et al. Fig. 4 Elements 416a-d) and wherein said selecting at (c) further comprises selecting text data being classified in the same category as the image. (Camara et al. Column 11 Line 41 – Column 12 Line 6)

- With regards to claim 12: Camara et al. teach the method according to claim 1, wherein said selecting at (c) further comprises searching the repository for text data comprising a keyword associated with the category of the image. (Camara et al. Column 7 Line 49 – Column 8 Line 21)

- With regards to claim 13: Camara et al. teach the method according to claim 1, wherein said selecting at (c) further comprises classifying the image according to a predetermined set of subcategories within a category.(Camara et al. Column 8 Lines 6 – 12)

- With regards to claim 14: Camara et al. teach the method according to claim 1, wherein the electronic data further comprises image content information data (Camara et al. Column 7 Lines 49 – 63) and wherein said classifying at (b) further comprises extracting the image content information data. (Camara et al. Column 7 Lines 3 – 7)

- With regards to claim 15: the method according to claim 14, wherein the image content information data comprises one or more of positional and temporal information regarding the image (Camara et al. Column 11 Lines 41 – 58), and wherein said classifying at (b) further comprises comparing at least one of the position and temporal information with a lookup table. (Camara et al. Column 11 Line 59 – Column 12 Line 11)

- With regards to claim 16: Camara et al. teach the method according to claim 1, wherein said classifying at (b) further comprises extracting content information from the image. (Camara et al. Column 8 Lines 6 – 15)

- With regards to claim 17: Camara et al. teach the method according to claim 16, wherein extracting content information from the image comprises applying at least one of a kernel image categorization method and a multi-

classifier method. (Camara et al. Fig. 4 Column 8 Lines 2 – 15, Column 11 Line 59 -Column 12 Line 11)

- With regards to claim 20: Camara et al. teach the apparatus according to claim 19, further comprising a combining means configured to automatically combine the image and the selected text data to form a combined document. (Camara et al. Fig. 1 Column 3 Lines 5 – 20)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Anderson et al. U.S. Patent No. 6,177,956; which is directed to a system and method for correlating processing data with image data.

- Schroder et al. U.S. Patent No. 7,020,330; which is directed towards image classification by image classes and metadata.

- Fredlund et al. U.S. Patent No. 6,005,972; which is directed towards a method for adding text to a digital image.

- Squilla et al. U.S. Patent No. 6,810,149; which is directed towards a method and system for cataloging images by categorizing an image into at least one selection category and associating the image with an icon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Rush whose telephone number is (571) 270-3017. The examiner can normally be reached on 7:30AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ER

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